THE

# AMERICAN JOURNAL

OF

## INTERNATIONAL LAW



**VOLUME 40** 

1946

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

Publication Office: THE RUMFORD PRESS Concord, N. H. EXECUTIVE AND EDITORIAL OFFICE: 700 JACKSON PLACE, N.W. WASHINGTON 6, D. C.

Copyright, 1946, by the American Society of International Law

#### BOARD OF EDITORS

Honorary Editor-in-Chief
GEORGE GRAFTON WILSON, Harvard University

Editor-in-Chief

GEORGE A. FINCH, 700 Jackson Place, Washington, D. C.

Managing Editor

PITMAN B. POTTER, 700 Jackson Place, Washington, D. C.

EDWIN BORCHARD Yale Law School

HERBERT W. BRIGGS Cornell University

PHILIP MARSHALL BROWN \* Washington, D. C.

WILLIAM C. DENNIS \*
Richmond, Ind.

FREDERICK S. DUNN

Yale University
CLYDE EAGLETON

New York University CHARLES G. FENWICK

Washington, D. C.

MALBONE W. GRAHAM
University of California, Los Angeles

Manley O. Hudson Cambridge, Mass.

CHARLES CHENEY HYDE \*
Columbia University Law School

PHILIP C. JESSUP Columbia University Law School

ARTHUR K. KUHN \*
New York, N. Y.

JOSEF L. KUNZ Toledo University

LLEWELLYN E. PFANKUCHEN University of Wisconsin

LAWRENCE PREUSS University of Michigan

ELLERY C. STOWELL \*
American University

EDGAR TURLINGTON Washington, D. C.

JOHN B. WHITTON Princeton University

ROBERT R. WILSON Duke University

LESTER H. WOOLSEY \* Washington, D. C.

QUINCY WRIGHT University of Chicago

#### \* Honorary

The object of the American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. For this purpose it coöperates with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in the JOURNAL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or of the American Society of International Law.

The Journal is supplied to all members of the American Society of International Law without extra charge (except as indicated below). The annual subscription to non-members of the Society is five dollars per annum. Members residing outside of the United States, the British Isles, Canada, and Latin-America pay one dollar extra per year for foreign postage; residents of Canada pay fifty cents extra. Single copies of the Journal will be supplied at \$1.50 per copy.

Applications for membership in the Society, correspondence with reference to the Journal, and books for review should be sent to Pitman B. Potter, Secretary and Managing Editor, 700 Jackson Place, N. W., Washington 6, D. C.

General

### AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 40 CONTENTS	1946
[No. 1, January, 1946, pp. 1–255; No. 2, April, 1946, pp. 256–512; No. 3, July 513–698; No. 4, October, 1946, pp. 699–879]	ıly, 1946, pp.
	PAGE
THE TWENTY-FOURTH YEAR OF THE WORLD COURT. Manley O. Hudson	
RESOURCES OF THE CONTINENTAL SHELF. Edwin Borchard	53
MULTIPLE REPRESENTATION IN INTERNATIONAL ASSEMBLIES, Louis B, Sohn	71
INTERNATIONAL ADMINISTRATION OF EUROPEAN INLAND WATERWAYS. L. Wehle	
RECENT ASPECTS OF THE CALVO DOCTRINE AND THE CHALLENGE TO INTERN.  LAW. Alwyn V. Freeman	
Two Armistices and a Surrender. Malbone W. Graham	148
FURTHER DEVELOPMENTS CONCERNING JURISDICTION OVER FRIENDLY I ARMED FORCES. Archibald King	
PENDING PROJECTS OF THE INTERNATIONAL TECHNICAL COMMITTEE OF AERIA EXPERTS. Stephen Latchford	
TRANSFER OF CIVILIAN MANPOWER FROM OCCUPIED TERRITORY. John H.	E. Fried 303
THE INTERNATIONAL ORGANIZATION IMMUNITIES ACT. Lawrence Preuss	332
THE FIRST MEETING OF THE GENERAL ASSEMBLY. Walter H. C. Laves and Fr. Wilcox	
THE JURISDICTION OF THE SECURITY COUNCIL OVER DISPUTES. Clyde Eaglet	on 513
QUESTIONS OF GUERRILLA FORCES UNDER THE LAWS OF WAR. Lester Nun Roger W. Barrett	
MANCHURIAN BOOTT AND INTERNATIONAL LAW. Daniel H. Lew	584
THE UNITED NATIONS AND SPECIALIZED AGENCIES. Gustav Pollaczek	592
THE UNITED STATES ACCEPTS COMPULSORY JURISDICTION. Francis O. Wilco	x 699
THE INTERNATIONAL COURT OF JUSTICE, THE SENATE, AND MATTERS OF D JURISDICTION. Lawrence Preuss	
THE EGYPTIAN MIXED COURTS AND FOREIGN ARMED FORCES. Jaspet Y. B.	rinton 737
THE SECOND WORLD WAR AND INTERNATIONAL LAW. Eugene A. Korovin.	742
THE ARAB LEAGUE AS A REGIONAL ARRANGEMENT. Majid Khadduri	756
EDITORIAL COMMENT:	
World Law. Philip Marshall Brown. The Atomic Bomb. Edwin Borchard.	
International Control of the Atomic Bomb. Edgar Turlington	
Has the Supreme Court Abdicated One of Its Functions? Philip C. Jessu Sovereign Immunity Limited to Essential Government Functions: New	
United States. Arthur K, Kuhn	

The Leaders' Agreement of Yalta. Herbert W. Briggs	376
Guatemala vs. Great Britain: in re Belice. Josef L. Kunz	383
✓ The Demand for World Government. Clyde Eagleton	390
The Alternative to Appeasement. Pitman B. Potter	394
Due Process and International Law. Quincy Wright	398
The Effect of War on Law. Edwin Borchard	620
Kunz	624
The United States Accepts the Optional Clause. Charles Cheney Hyde	778
The Draft Treaties of Peace. Malbone W. Graham	781 784
The Legal Position of the Secretary General of the United Nationals. Josef L.	184
	786
"As Determined by the United States." Pitman B. Potter	792
CURRENT NOTES:	
The Continental Shelf and the Marginal Belt. Joseph Walter Bingham	173
Italian Society for International Organization. Mario Scerni	178
Training American Civilian Personnel for Occupation Duties. John Brown Mason	180
Jackson H. Ralston, 1857-1945. William C. Dennis	182
Revue Egyptienne de Droit International. George A. Finch	407
Boletim do Sociedade Brasileira de Direito Internacional. P. B. P	408
The International Status of India. Albert E. Kane	408
The Transmigration of a Law. Haim Margalith	411
Meeting of the American Council of Learned Societies. Rye, N. Y., January 23–25,	
1946. Pitman B. Potter	414
Dr. Scott a Patron of the Society. George A. Finch	630
Recent Activities of the Section of International and Comparative Law of the	
American Bar Association. Edgar Turlington	630
Academia de Estudios Internacionales, Colombia. Pitman B. Potter	633
Procedure for Accepting the Optional Clause of the Statute of the International	634
Court of Justice. Honoré Catudal.  The Soviet Union and the International Monetary Fund. Ervin Hexner	637
A Form Book for Standard Treaty Clauses. Henry Reiff	640
Regional Meetings Authorized by Executive Council. P. B. P.	795
General Note on the Law of War Booty. Alwyn V. Freeman.	795
American Military Government Courts in Germany. Eli E. Nobleman	803
The Legal Status of Germany. Egon Schwelb.	811
Local Enemy Assets and the Paris Agreement on Reparation. Kurt H. Nadelmann	813
Arbitration Between the Netherlands and United States Postal Administrations.	010
Martin Domke	817
Inter-American Academy of Comparative and International Law. G. A. F	819
Lawyers of the Americas Will Meet in Lima. William Roy Vallance	820
Miscellaneous Notes. P. B. P.	821
CHRONICLE OF INTERNATIONAL EVENTS. Dorothy R. Dart	823
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW:	
Fields v. Predionica I Tkanica.	197
United States of Mexico et al. v. Schmuck, et al	205
Rex v. Joyce	210
in re Yamashita	432
	480

#### CONTENTS OF VOLUME 40

Reisig and Popple v. Associated Jewish Charities of Baltimore and the Hebrew University of Jerusalem	483
	663
Schering, Limited (in Liquidation) v. Stockholms Enskilda Bank Aktiebolag and	
others	841
The Tolten	856
BOOK REVIEWS AND NOTES	860
BOOKS RECEIVED	876
Periodical Literature of International Law. Wilbur S. Finch254, 511, 696,	878
Index	880
Server of the server of December 16 and 15 and 15 and 15	